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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,899	09/11/2003	Joel D. Daugherty	073897.0147	4188
5073	7590	04/22/2005	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,899	<b>Applicant(s)</b> DAUGHERTY ET AL.	
	<b>Examiner</b> Olisa Anwah	<b>Art Unit</b> 2645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 7-13, 15, 16, 21 and 22 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yuschik et al, U.S. Patent Application Publication No. 2002/0152078 (hereinafter Yuschik) in view of Kuhn et al, U.S. Patent No. 6,141,644 (hereinafter Kuhn).

Regarding claim 1, Yuschik discloses a method for detecting unauthorized access, comprising receiving a voice input associated with a request to access an account; generating a request voice signature corresponding to the voice input associated with the request; retrieving an authorized voice signature corresponding to the account; comparing the request voice signature corresponding to the voice input with the authorized voice signature corresponding to the account; and

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detecting unauthorized access in response to the comparison (paragraphs 0032 and 0034).

Yuschik fails to teach accessing a fraudulent voice signature file and identifying a user associated with the request voice signature in accordance with the fraudulent voice signature file. However Kuhn discloses this limitation (see 21a, 21b from Figure 3 and 66, 68 and 69 from Figure 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yuschik with the fraudulent voice signature file taught by Kuhn. This modification would have improved the efficiency of Yuschik by using a model-based analytical approach as suggested by Kuhn.

Regarding claim 2, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 3, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 4, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 5, see paragraphs 0031-0034 and 0037 of Yuschik.

Regarding claim 8, see paragraph 0005 of Yuschik.

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Claim 9 is rejected for the same reasons as claim 1.

Claim 10 is rejected for the same reasons as claim 2.

Claim 11 is rejected for the same reasons as claim 3.

Claim 12 is rejected for the same reasons as claim 4.

Claim 13 is rejected for the same reasons as claim 5.

Claim 16 is rejected for the same reasons as claim 8.

Claim 21 is rejected for the same reasons as claim 1.

With respect to claim 7, the combination of Yuschik and Kuhn discloses determining if the fraudulent voice signature file comprises the request voice signature (see Figure 4 from Kuhn). This combination does not explicitly teach adding the request voice signature to the fraudulent voice signature file if the fraudulent voice signature file does not comprise the request voice signature. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuhn with adding the request voice signature to the fraudulent voice signature file if the fraudulent voice signature file does not comprise the request voice signature. This modification would have improved the adaptability of Kuhn by storing unauthorized voices in the

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event that the authorities need it as suggested by Yuschik (paragraph 0044).

Claim 15 is rejected for the same reasons as claim 7.

Claim 22 is rejected for the same reasons as claim 7.

3. Claims 17-20 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kuhn in view of Justice et al, U.S. Patent Application Publication No. 2003/0174823 (hereinafter Justice).

Regarding claim 17, Kuhn discloses a method for identifying a fraudulent voice signature, comprising:

accessing a fraudulent voice signature file comprising a plurality of fraudulent voice signatures (21b from Figure 3);

receiving a user voice signature (44 from Figure 4);

comparing the user voice signature to at least a portion of the plurality of fraudulent voice signatures (66 from Figure 4);

determining whether the user voice signature matches a fraudulent voice signature (68 from Figure 4);

identifying the user voice signature as fraudulent if the user voice signature matches a fraudulent voice signature (69 from Figure 4).

Kuhn does not explicitly teach identifying one of a plurality of accounts associated with the user voice signature

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identified as fraudulent. Nonetheless, Justice discloses this limitation (see Figure 4). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuhn with the blacklist of Justice. This modification would have improved the reliability of Kuhn by providing a system and method for inhibiting fraud in card-not-present transactions as suggested by Justice (paragraph 0006).

Regarding claim 18, see Figure 4 of Kuhn.

Claim 19 is rejected for the same reasons as claim 17.

Regarding claim 20, see Figure 4 of Kuhn.

#### ***Response to Arguments***

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Yuschik discloses a simple method of

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identifying a speaker (see abstract). Kuhn recognizes the problems associated with Yuschik's system (column 1) and proposes a better implementation (column 2). Thus it would have been obvious to alter Yuschik with the system of Kuhn.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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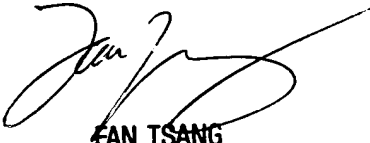
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

OA

Olisa Anwah  
Patent Examiner  
April 18, 2005

  
FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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